

DOCUMENT RESUME

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[Annual Leave Payment for Temporary Employee]. B-190005. October 6, 1977. 2 pp.

Decision re: Jeanette Y. Ball; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Department of the Army: Field Artillery Center, Fort Sill, OK.

Authority: 5 U.S.C. 6302-03. FPM Letter 630-22.

LtC J. T. Irwin, Finance and Accounting Officer at Fort Sill, Oklahoma, requested an advance decision with regard to the request by a temporary employee for a lump sum payment of accrued annual leave. The employee, initially appointed for less than 90 days, is entitled to annual leave accrual and lump sum payment upon separation if the employee serves more than 90 days under successive appointments without a break in service.
(Author/SC)

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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

C. B. [unclear]
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FILE: B-190005

DATE: October 6, 1977

MATTER OF: Jeannette Y. Ball - Annual Leave Payment for
Temporary Employee

DIGEST: Temporary employee initially appointed for less than 90 days is entitled to annual leave accrual and lump sum payment upon separation if employee serves more than 90 days under successive appointments without a break in service. See 5 U.S.C. 6303 (b) (Supp. III, 1973).

By a letter dated July 27, 1977, LTC J.T. Irwin, Finance and Accounting Officer at Headquarters U.S. Army Field Artillery Center and Fort Sill, Fort Sill, Oklahoma, requests an advance decision regarding the request by Ms. Jeannette Y. Ball for a lump sum payment of accrued annual leave.

Ms. Ball, a temporary employee who was appointed to three consecutive appointments of less than 90 days each, had been employed for 153 days without a break in service at the time of her separation. The certifying officer asks if Ms. Ball is entitled to annual leave accrual and a lump sum payment, since each of her appointments was for less than 90 days.

Civilian employees of the Federal Government are entitled to annual leave under the provisions of 5 U.S.C. 6303 which reads in pertinent part as follows:

"(a) An employee is entitled to annual leave with pay which accrues as follows --

"(1) one-half day for each full biweekly pay period for an employee with less than 3 years of service;

* * * * *


"(b) Notwithstanding subsection (a) of this section, an employee whose current employment is limited to less than 90 days is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. After completing the 90-day period the employee is entitled to be credited with the leave that would have

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accrued to him under subsection (a) of this section except for this subsection."

While Ms. Ball's initial appointment and the two subsequent appointments were each limited to less than 90 days, she was employed for a continuous period of more than 90 days under successive appointments without a break in service. Therefore, under the provision of second sentence of subsection 6303 (b), supra, she was entitled to accrue annual leave for each full biweekly pay period she was employed between July 12, 1976, the effective date of her initial appointment, and December 10, 1976, the date she was terminated. See 5 U.S.C. 6302 (b) and part 4 of the Civil Service Commission's instructions in the attachment to Federal Personnel Manual Letter No. 630-22, January 11, 1974.

The voucher may be certified for payment in accordance with the foregoing.


Deputy Comptroller General
of the United States